

NEW HAMPSHIRE REAL ESTATE COMMISSION
ORDER
FILE NO. 2011-012

NEW HAMPSHIRE REAL ESTATE COMMISSION
V
LORI A. HARRINGTON

This matter comes before the Real Estate Commission on the complaint of the New Hampshire Real Estate Commission through its Investigator Ann Flanagan, alleging violations of NH RSA 331-A:26, I and XXIX, by Lori A. Harrington. The Real Estate Commission after notice and hearing in the above captioned matter makes the following findings of fact:

1. Lori A. Harrington (hereinafter referred to as Respondent) was licensed as a New Hampshire real estate salesperson on 4/14/05 and as a real estate associate broker on 3/19/07, and was so licensed at the time of the alleged violations.
2. Respondent failed to appear at the New Hampshire Real Estate Commission hearing scheduled for November 15, 2011 at 11:00 a.m. (Hearing Notice with certified mail unclaimed, and regular mail not returned).
3. In accordance with Rea 205.11, the presiding officer declared Respondent to be in default and proceeded to hear the testimony and receive the evidence offered by the party bearing the burden of proof in the case (the New Hampshire Real Estate Commission through its Investigator Ann Flanagan).
4. Respondent attempted to renew her real estate associate broker license on March 16, 2011 by changing the credits hours on her Education Credit Affidavit from 2 to 3 hours for courses E1346 & E1406 (the courses are one credit hour each) she attended on January 17, 2011 (Complainant's Exhibit #1, p. 019).

5. The instructor, Ken Bernier sent copies of the original affidavit issued for the courses to the NH Real Estate Commission which indicated 2 credit hours (Complainant's Exhibit #1, p. 021 – 022).
6. In Respondent's email to the NH Real Estate Commission Education Program Assistant Fran West, Respondent states she was confused and thought that all classes were 3 credits, and so she must have changed it when she was filling out the other information on the Education Credit Affidavit (Complainant's Exhibit #1, p. 014).
7. Respondent had stated at an appointment on April 19, 2011 before the Commission that she filled out the top information on the Education Credit Affidavit, but she did not remember changing the 2 credit hours to 3 credit hours; and at that meeting, the Commission instructed its investigator to initiate a formal complaint against Respondent (Complainant's Exhibit #1, p. 013).

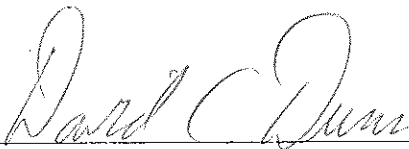
Based on the foregoing findings of fact, the Commission hereby issues the following rulings of law:

Respondent failed to appear at the scheduled hearing before the New Hampshire Real Estate Commission, and as a result was not present to offer any testimony to contradict the above allegations. Respondent committed unprofessional conduct which was dishonorable and unethical by attempting to renew her real estate associate broker license by misrepresenting the course credit hours on her education credit affidavit. Therefore the Commission rules that Respondent did violate NH RSA 331-A:26, I and XXIX.

In view of the foregoing rulings of law, the Real Estate Commission hereby orders that Respondent show proof of full attendance at a New Hampshire Real Estate Commission accredited 3-hour continuing education course about Ethics (this continuing education course is to be completed by classroom delivery method only and is not to be counted towards Respondent's continuing education requirements) within ninety (90) days of the effective date of this Order; and Respondent is also required to pay a disciplinary fine in the amount of five-hundred dollars (\$500) to the New Hampshire Real Estate Commission, payable to the Treasurer State of New Hampshire, within ninety (90) days of the effective date of this Order. Failure to comply with this disciplinary Order will result in the suspension of Respondent's real estate license until the fine is paid and the course is completed.


Under the provisions of RSA 331-A:28, III, this disciplinary action is subject to appeal in the Superior Court. The Respondent has thirty (30) days from the date of this Order in which to file an appeal. Such an appeal will suspend the Commission's disciplinary action pending resolution of the appeal. If this decision is not appealed within thirty (30) days, this Order will become final.

Commissioner James R. Therrien evaluated this case and did not take part in the hearing or decision.



David C. Dunn, Presiding Officer

11/30/2011
DATE



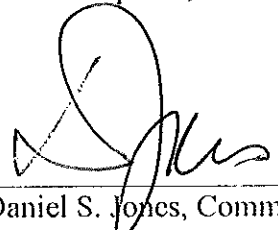
William E. Barry, Commissioner

11/30/2011
DATE



Paul A. Lipnick, Commissioner

11/30/2011
DATE



Daniel S. Jones, Commissioner

12/6/2011
DATE